UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

WATER DIVISION

June 24, 2022

DELIVERED BY ELECTRONIC-MAIL

Jay Manning
Cascadia Law Group PLLC
1201 Third Avenue, Suite 320
Seattle, Washington 98101

Re: Preliminary GS Well Classification; Request for Additional Information

Dear Mr. Manning,

Thank you for the information you have shared on behalf of Yale's Carbon Containment Lab (CCL) regarding a proposed geologic sequestration (GS) project. EPA has reviewed the memorandum submitted by your group on April 6, 2022, concerning regulatory issues surrounding this proposed project. EPA also participated in the subject matter briefing with the Washington Department of Ecology (Ecology) on May 24, 2022. A consistent topic in our conversations has been how the proposed well(s) should be classified within the Underground Injection Control (UIC) regulations. The purpose of this letter is to gather more information needed to make a preliminary determination on which UIC well class is most appropriate for the proposed project. We look forward to reviewing your response in coordination with Ecology to reach a preliminary well classification.

Below, you will find a set of questions intended to gather additional information relating to proper well classification. Particularly, additional information is requested concerning the project's experimental goals, as it is unclear whether this project is an investigative prelude to future commercial injection or a experimental study. Experimental projects are those whose purpose is to test new, unproven technologies. EPA does not consider it appropriate to permit CO_2 injection wells that are testing the injectivity or appropriateness of an individual formation (e.g., as a prelude to a commercial-scale operation, regardless of who the commercial operator will be) as Class V experimental technology wells. EPA anticipates that Class V experimental projects testing GS technology will be small-scale and involve limited volumes of injected carbon dioxide. Please keep this information in mind when responding to these questions.

1) Please describe generally the experimental goal(s) of this project. What will be 'tested' to further the science on carbon sequestration. Additionally, please include information on these more specific questions regarding the project:

    a. How do(es) the goal(s) of the project justify the need for multiple well sites?

b. Why are the larger volumes of CO_2 (compared to the Wallula project) necessary, specifically to the goals of this experiment?

c. What are the criteria for deciding the final volume of CO_2 necessary to complete the project goals?

2) How does achieving the experimental goal(s), above, expand our understanding of basalt mineralization beyond what is known from the CarbFix program in Iceland or the Wallula project in the CRBG in Washington State?

3) Will Yale CCL commercialize this project at the end of the research phase, or participate in the commercialization process?

4) Would Yale CCL or other project proponents accept payment or other forms of compensation from CO2 generators, partners, or other stakeholders that would directly benefit from this project?

5) Please discuss how the data generated by this project will be used. Will the data be shared with the scientific, industrial, or regulatory communities? Will the data be sold or given to exclusive commercial partners?

Please submit any questions or comments to Ryan Gross (Gross.Ryan@epa.gov, 206-553-6293). Answers to these questions should be submitted to me directly (Burgess.Karen@epa.gov).

Sincerely,

KAREN BURGESS

Digitally signed by KAREN BURGESS
Date: 2022.06.24 13:33:41 -07'00'

Karen Burgess
Groundwater and Drinking Water Section

CC:

Daniel Feuer, Office of Ground Water and Drinking Water, USEPA
Chad Brown, Water Quality Management Unit Supervisor, Washington Department of Ecology